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***Supreme Court
Refuses to***

***Certify Leo
Frank's Appeal***

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**APPEAL TO
LAMAR**

**IN U. S.
SUPREME**

COURT LAST HOPE

Attorneys Henry
Peeples and

Harry Alexander Now
on

Way to Washington
for Last

Court Battle

**WRIT ARGUED IN
STATE**

CAPITOL ON THURSDAY

If Justice Lamar Grants
Writ,

Famous Case Will Be
Re-

Viewed by Federal
Court.

Will Appeal
Immediately

Leo M. Frank has lost again. The State Supreme Court on Thursday afternoon declined to certify to a Writ of Error which would have permitted Frank to carry his Case to the United States Supreme Court.

The Application for a Writ of Error was presented by Tye, Peeples & Jordan et al., Attorneys for Frank. Had this Writ been certified, the decision of the Court affirming the action of Judge Ben H. Hill in sustaining the State's demurrer to Frank's motion to set aside the verdict declaring him guilty of the murder of Mary Phagan, would have been reviewed by the United States Supreme Court.

One other recourse is left to Frank to get his Case before that tribunal. He can apply to Justice Joseph R. Lamar, of the United States Supreme Court, who acts for this district, for a Writ of Error. Should Justice Lamar grant the Writ, then the Case will get on the Docket of the federal Supreme Court, despite the failure of the State Supreme Court to certify the Writ.

Attorneys Henry Peeples and Harry A. Alexander left Friday afternoon for Washington, where they will make Application to Justice Lamar for a Writ of Error. It is expected that they will appear before Justice Lamar for a Writ of Error. It is expected that they will appear before Justice Lamar some time Saturday afternoon, and that he will pass upon the Petition before Wednesday of next week, the date upon which the remitter from the State Supreme Court will reach the Fulton Superior Court.

Unless Justice Lamar allows the Writ of Error before the remitter from the State Supreme Court comes down, Frank will be arraigned before Judge Ben H. Hill and a new date fixed for the execution of the Death Sentence.

Frank was notified of the State Supreme Court's adverse action by a Journal Reporter. He refused to make any comment but was visibly disappointed. The Application for a Writ of Error was presented to the Justices of the State Supreme Court in chambers. There was no Written Opinion by the Court. The Justices were not impressed with the construction placed upon their previous decision by Frank's Attorneys and saw no grounds justifying them in certifying to the Writ of Error. They simply declined such a Certificate.

In the event Justice Lamar takes the same view as the State Supreme Court and refuses Frank a Writ of Error, his Case will be ended so far as the Courts are concerned and his only hope to escape the death penalty will lie in an Appeal to the State Prison Commission and the Governor, a Commutation of Sentence.

If Lamar Refuses Writ, Frank

Can Appeal to Other Judges

(By Associated Press.)

WASHINGTON, Nov. 20.—A review of the Frank Case by the Supreme Court rests largely with Justice Lamar, who is assigned to the Circuit in which Georgia is located. Custom of the Justices requires that Applications for “Writs of Error” must be presented first by the Justice assigned to the Circuit in which the Case originates. Should Justice Lamar grant the Writ, the Case would go on to the Court’s docket and would not be heard for about two years unless advanced.

Should Justice Lamar decline to issue the Writ, he might consent to an Application being presented to the entire Court, or the Attorneys might, of their own volition, make Application to the other Justices.
